

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 739

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time January 11, 2010, and ordered printed.

Read 2nd time January 19, 2010, and referred to the Committee on Jobs, Economic Development and Local Government.

Reported from the Committee March 25, 2010, with recommendation that the bill do pass.

Taken up for Perfection March 30, 2010. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4274S.01P

AN ACT

To repeal section 320.097, RSMo, and to enact in lieu thereof one new section relating to fire department employee residency requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 320.097, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.097, to read as follows:

320.097. 1. As used in this section, "fire department" means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.

2. [Upon approval of the board of aldermen, no employee of a fire department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. No charter school shall be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 and legally recorded geographical area of the fire department if such school
 18 district subsequently becomes fully accredited.] **Each applicant for a full-**
 19 **time position with the fire department of the city of St. Louis must be**
 20 **able to prove eligibility to be legally employed in the United States and**
 21 **acquire his or her residence in the city of St. Louis within ninety days**
 22 **after the date of appointment. An employee of the fire department**
 23 **must maintain residency in the city of St. Louis for a total of seven**
 24 **years. Once the employee has achieved seven years of residency in the**
 25 **city of St. Louis, he or she shall no longer be required to maintain**
 26 **primary residency in the city. Employees who have satisfied the seven**
 27 **year requirement and opt to move outside the city must reside within**
 28 **one-hour response time.**

29 [4. Unless the voters of a city not within a county vote to supersede this
 30 section by the same majority needed to change the charter of said city by
 31 September 1, 2008, this section shall be in force for the city not within a county.
 32 In addition, any employee who resides outside the city will forfeit one percent of
 33 his or her salary for the time the employee is not living in the city to offset any
 34 lost revenue to the city.

35 5. The ballot of submission for this authorization shall be in substantially
 36 the following form:

37 Shall (insert name of city) be allowed to
 38 prevent fire department employees from paying one percent of their salaries to
 39 the city in order to reside outside the city limits when the public school system
 40 is or has been unaccredited or provisionally accredited?

41 YES NO

42 If you are in favor of the question, place an "X" in the box opposite "YES". If you
 43 are opposed to the question, place an "X" in the box opposite "NO".]

